

**CIVIL SERVICE COMMISSION MINUTES**

**January 17, 2007**

A regular meeting of the Civil Service Commission was held at 2:30 p.m. in Room 358 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

Present were:

Barry I. Newman  
Francesca Krauel  
W. Dale Bailey  
Cheryl Fisher  
A.Y. Casillas

Absent was:

None

Comprising a quorum of the Commission

Support Staff Present:

Patt Zamar, Executive Officer  
William D. Smith, Senior Deputy County Counsel  
Selinda Hurtado-Miller, Reporting

**Approved**  
**Civil Service Commission**

**February 7, 2007**

**COUNTY OF SAN DIEGO  
CIVIL SERVICE COMMISSION MINUTES  
January 17, 2007**

2:30 p.m.            OPEN SESSION: Room 358 County Administration  
Center, 1600 Pacific Highway, San Diego,  
California

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<u>Discussion Items</u>	<u>Continued</u>	<u>Referred</u>	<u>Withdrawn</u>
<u>1,6,9,10,11,12</u>	<u>6</u>	<u>6,7,8</u>	

COMMENTS: Motion by Casillas to approve all items not held for  
discussion; seconded by Bailey. Carried.

**OPEN SESSION AGENDA  
County Administration Center, Room 358**

**ELECTIONS**

1. Election of President and Vice-President of the Civil Service Commission for 2007.

**Motion by Casillas to nominate Francesca Krauel for  
President and W. Dale Bailey for Vice-President; seconded by  
Fisher. Carried.**

**MINUTES**

2. Approval of the Minutes of the regular meeting of December 6, 2006.

**Approved.**

**CONFIRMATION OF ASSIGNMENTS**

3. Commissioner Casillas: Ismael Herrera, SEIU Local 535, on behalf of **Michael Porter**, Social Worker I, appealing a Final Order to Demote and Charges (from Senior Protective Services Worker) from the Health and Human Services Agency(HHSA). (See Item No. 6 below.)

**Confirmed.**

4. Commissioner Newman: Jessica Fudge, SEIU Local 2028, on behalf of **Roy Mitchell**, former Supervising Human Services Specialist, appealing a Final Order of Removal and Charges from the HHSA.

**Confirmed.**

5. Commissioner Bailey: Julie Buechler, Esq., on behalf of **2007-01**, appealing an Order from the Sheriff's Department.

**Confirmed.**

## **DISCRIMINATION**

### **Complaints**

6. **Michael Porter**, Social Worker I, alleging disability discrimination by the HHSA and requesting the issuance of a temporary order by the Commission to maintain the status quo of his employment status that existed prior to the effective date of the Final Order to Demote and Charges. (See Item No. 3 above.)

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back. Deny request to issue a temporary order to maintain status quo.

Michael Porter addressed the Commission and stated that he was requesting maintenance of the status quo due to financial hardship. The Department stated they were not prepared to discuss the status quo issue.

**Motion by Krauel to bifurcate this item, assign a hearing officer to the alleged discrimination and continue Mr. Porter's request for maintenance of status quo. Seconded by Newman. Carried.**

**Commissioner Casillas assigned to the Rule VI.**

**Request for status quo continued to February 7, 2007 Agenda.**

7. **Susan McInerney**, Deputy Public Defender III, alleging retaliation, age and gender discrimination by the Office of the Public Defender.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved. Commissioner Fisher assigned.**

8. **Dawn Beebee-Doss**, Deputy Public Defender III, alleging gender, age and disability discrimination by the Office of the Public Defender.

RECOMMENDATION: Assign an Investigating Officer and concurrently appoint the Office of Internal Affairs to conduct an investigation and report back.

**Staff recommendation approved. Commissioner Fisher assigned.**

### **Findings**

9. Commissioner Bailey: **Maurice Grayton**, alleging race, age and disability (Veteran) discrimination by the Department of Human Resources.

**Mr. Grayton was present and available for questions.**

### **FINDINGS AND RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission on November 1, 2006, the Commission appointed W. Dale Bailey to investigate the complaint submitted by Maurice Grayton alleging race, age and disability (Veteran) discrimination by the Department of Human Resources and concurrently referred the matter to the Office of Internal Affairs (OIA) for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Mr. Grayton's Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause that Mr. Grayton has been unlawfully discriminated against; and that the proposed decision become effective upon the date of approval by the Civil Service Commission.

**Motion by Bailey to approve Findings and Recommendations; seconded by Krauel. Carried.**

10. Commissioner Fisher: **Donna Goyer**, Administrative Analyst II, alleging retaliation and sexual orientation discrimination by the HHSA.

**FINDINGS AND RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission on November 1, 2006, the Commission appointed Cheryl Fisher to investigate the complaint submitted by Donna Goyer alleging retaliation and sexual orientation discrimination by the HHSA and the matter was concurrently referred to the OIA for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Ms. Goyer's Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause to believe that the Complainant has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Fisher to approve Findings and Recommendations; seconded by Bailey. Carried.**

11. Commissioner Newman: **Leonard King**, former Sheriff's Detentions Licensed Vocational Nurse, alleging retaliation and racial discrimination by the Sheriff's Department.

**FINDINGS AND RECOMMENDATIONS:**

At the regular meeting of the Civil Service Commission on October 4, 2006, the Commission appointed Barry I. Newman to investigate the complaint submitted by Leonard King alleging racial discrimination and retaliation by the Sheriff's Department and the matter was concurrently referred to the OIA for investigation.

After reviewing all related documentation, the Investigating Officer concluded that the evidence does not support a finding of probable cause that a violation of discrimination laws occurred and recommended that Mr. King's Rule VI discrimination complaint be denied; that the Commission approve and file the report with the appended OIA Summary Investigative Report with a finding of no probable cause to

believe that the Complainant has been unlawfully discriminated against; and that the proposed decision shall become effective upon the date of approval by the Civil Service Commission.

**Motion by Newman to approve Findings and Recommendations; seconded by Bailey. Carried.**

## **SELECTION PROCESS**

### **Appeals**

12. **Henry Thompson**, Park Attendant (Seasonal), appealing his non-selection for the classification of Intermediate Clerk by the HHSA.

RECOMMENDATION: Deny Request.

Staff recommendation to deny this item was approved on the Consent Agenda. Subsequently, due to late arrival, Mr. Thompson appeared before the Commission, requesting to be heard on this matter.

**Motion by Krauel to reconsider Consent Agenda; seconded by Bailey. Carried.**

**Motion by Bailey to consider Item 12 and remove Item 12 from the Consent Agenda and add to discussion; seconded by Casillas. Carried.**

**Motion by Fisher to accept Consent Agenda; seconded by Bailey. Carried.**

Mr. Thompson explained his reasons for filling out his application for Intermediate Clerk as he did.

HHSA's Background Supervisor, Johnna Goodloe stated that Mr. Thompson was found not suitable for the position of Intermediate Clerk due to his failure to disclose information that was later discovered in the background process.

The Commission asked whether Mr. Thompson could be considered for other IC positions within the County. Dennis Floyd, Sr. Deputy County Counsel explained that as long as Mr. Thompson was on an employment list, he could be hired, but not for this HHSA-specific position which requires a background check.

**Motion by Krauel to accept Staff Report; seconded by Casillas.**

**AYES:** Newman, Krauel, Casillas  
**NOES:** Bailey, Fisher  
**ABSTENTIONS:** None  
**ABSENT:** None

**Staff recommendation approved. Hearing denied.**

### **Findings**

13. **Avez Roberts**, appealing the Department of Human Resources' removal of his name from the employment list for Deputy Sheriff Cadet-Detentions/Court Services.

14. **Jeffrey Wilder**, appealing the DHR removal of his name from the employment list for Deputy Sheriff Cadet.

15. **Martha Torres**, appealing the DHR removal of her name from the employment list for Deputy Sheriff Cadet-Detentions/Court Services.

16. **Shawn Bowers**, appealing the DHR removal of his name from the employment list for Correctional Deputy Probation Officer I.

RECOMMENDATION: Ratify Item Nos. 13 - 16. Appellants have been successful in the appellate process provided by Civil Service Rule 4.2.2.

**Item Nos. 13-16 ratified.**

### **OTHER MATTERS**

#### **Extension of Temporary Appointments**

17. HHSA

1 Residential Care Worker Trainee (Rosalba Santana)

10 Residential Care Workers I (Jennifer Awuah, Beatriz Luna, Sheila Macres, Monica Moreno, Christina Naputi, Staci Parik, Amanda Wright, Katherine Gagnon, Melissa Contreras, Danielle Harvey)

2 Residential Care Workers II (Stephanie Houghton, Cynthia Harris)

33 Human Services Specialists (Caroline Ancheta, Marirose Aragon, Cathryn Aure, Horacio Balvaneda, Michelle

Cayanan, Nuon Chhea, Bertha Clark, Maria Corcoran, Candice Dangca, Maria Delgado, Francisca Garcia, Cheri Gibson, Stephanie Gunning, Korletta Howrish, Karen Hume, Jacqueline Luong, Jeanne Myers, Sopheap Nou, Anna Nunez, Julio Peralta, Adriana Pitones-Lees, Danielle Porter, Griselda Ramirez, Patricia Ramirez, Elizabeth Rocha, Nora Rodriguez, Miles Sherwood, Vangie Tumbaga, Vicki Wiens-Benjamin, Melissa Zazueta, Don Malonzo, Kim-thu Farley, Arlene Buenaflor)

RECOMMENDATION: Ratify.

**Item No. 17 ratified.**

18. Public Input.

ADJOURNED: 3:28 p.m.

**NEXT REGULAR MEETING OF THE CIVIL SERVICE COMMISSION:**

**FEBRUARY 7, 2007**